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EXAMINER
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 20

Application Number: 09/479,146
Filing Date: January 07, 2000
Appellant(s): FULD, STEPHEN

Timothy R. Schulte
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 4, 2003, paper no. 19.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 12-14 and 16-18 stand or fall together.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,018,778	Stolowitz	1-2000

White, Ron, How Computers Work, Millennium Edition, 1999, Que Corporation, pp. 176-177

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 12-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stolowitz, U.S. Patent 6,018,778, and further in view of White, How Computers Work. This rejection is set forth in prior Office Action, Paper No. 14.

(11) Response to Argument

On page 8 of the Appeal Brief, under section 3. The Claimed Invention Compared to Stolowitz and White, the Applicant argues, "Accordingly, White does not teach or suggest data blocks and a parity block serially arranged on a track of the magnetic tape with the parity block following the data blocks in the manner of the RAID-4 standard as claimed. In contrast, White teaches blocks serially arranged on a magnetic tape track with some of the blocks being data blocks and some of the blocks being data and ECC blocks." The Examiner respectfully disagrees. At the bottom of page 176 in an illustration, White that the EC blocks are grouped together and that they are not both data and EC blocks. Further, on page 176 in point 5, White discloses that each track is divided into blocks of 512 or 1,024 bytes, and segments typically contain 32 blocks. Of the blocks in a segment, eight contain error-correction codes. At the top of page 177 in an illustration, White shows DATA bits followed by EC bits. Further, on page 177 in point 2, White teaches a buffer used to prepare data that is written onto the tape and discloses that if the tape drive's controller includes chips that handle error

correction, the backup software dumps the full buffer from RAM to the controller's own buffer, where the chips append error correction (EC) codes. If the controller doesn't have built-in error correction, the software computes the EC codes based on the pattern of 0 and 1 bits in the files, *appends them to the end of the data* (emphasis by Examiner) in the RAM buffer, and copies the contents of the RAM buffer to the controller buffer. For these reasons, the Examiner submits that White does teach data blocks and a parity block serially arranged on a track of the magnetic tape with the parity block following the data blocks in the manner of the RAID-4 standard as claimed, and it is believed that the rejections should be sustained.

Respectfully submitted,

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MCM
September 9, 2003

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